

FORM NLRB-501

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
15-CA-19693	July 26, 2010

INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer ThyssenKrupp Stainless USA, LLC	b. Number of workers employed 70+	
c. Address (street, city, state, ZIP code) P.O. Box 13000 Calvert, AL 36513-1300	d. Employer Representative David Scheid V.P. Human Resources	e. Telephone No. (251)829-3636 Fax No. (251) 829-5982
f. Type of Establishment (factory, mine, wholesaler, etc.) factory	g. Identify principal product or service steel	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), and subsections (1) of the National Labor Relations Act and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>In about May 2010, the above named Employer, through its officers, agents and representatives, told employees that other employees would be discharged in retaliation for their support of the Union and/or activities on behalf of the Union.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC		
4a. Address (street and number, city, state and ZIP code) Five Gateway Center Room 913 Pittsburgh, PA 15222	4b. Telephone No. (412) 562-2529 Fax No.	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization). United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By <u>Brad Manzolillo</u> Signature of representative or person making charge		Title <u>Organizing Counsel</u>
<u>Brad Manzolillo</u> (Print Name) Address: Five Gateway Center Room 913 Pittsburgh, PA 15222		Telephone No. <u>(412) 562-2529</u> Fax No. Date <u>7-26-10</u>

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1001)



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 15

F. Edward Hebert Federal Building

600 S. Maestri Place- 7th Floor

New Orleans, LA 70130-3408

Telephone: (504) 589-6374

Facsimile: (504) 589-4069

October 29, 2010

Mr. Brad Manzolillo, Organizing Counsel
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Workers International Union,
AFL-CIO, CLC
Five Gateway Center, Room. 913
Pittsburgh, PA 15222

Re: ThyssenKrupp Stainless USA, LLC
Calvert, Alabama
Case No. 15-CA-19693

Dear Mr. Manzolillo:

The Region has carefully investigated and considered your charge against ThyssenKrupp Stainless USA, LLC alleging violations under Section 8 of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

Your charge alleges that for the past six months, ThyssenKrupp Stainless USA, LLC, herein called the Employer, told employees that other employees would be discharged in retaliation for their support and/or activities on behalf of the Union. The investigation disclosed the statement at issue was made to employees by (b)(6), (b)(7)(C) that other employees would be discharged in retaliation for their Union activities. The investigation disclosed that (b)(6), (b)(7)(C) was not a statutory supervisor under Section 2(11) of the Act and (b)(6), (b)(7)(C) did not have the authority to speak or act for management. Therefore, this alleged statement did not violate the Act. See *Suburban Electrical Engineers*, 351 NLRB 1 (2007) (non-supervisory foremen who acted without actual or apparent authority from management did not violate the Act by creating impression of surveillance and interrogating employees). Accordingly, further proceedings on your charge are not warranted, and I am refusing to issue complaint herein.

Your Right to Appeal: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the Acting General Counsel of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-GOV**, select **E-Filing**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the Acting General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington, D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date and Time: The appeal is due on **November 12, 2010**. If you file the appeal electronically, it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date. The responsibility for the receipt of the appeal rests exclusively with the sender. A failure to timely file an appeal electronically will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason.

If you mail the appeal or send it by a delivery service, it must be received by the Acting General Counsel in Washington, D.C. by the close of business at 5:00 p.m. Eastern Time or be postmarked or given to the delivery service no later than **November 10, 2010**.

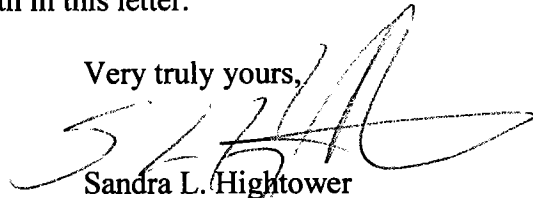
Extension of Time to File Appeal: Upon good cause shown, the Acting General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **E-GOV**, select **E-FILING**, and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before the original appeal due date**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality/Privilege: Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Because we are required by the Federal Records Act to keep copies of documents used in our casehandling for some period of years after a case closes, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential sources, commercial/financial information or

personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

Notice to Other Parties of Appeal: You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the Acting General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,



Sandra L. Hightower
Acting Regional Director

SLH/pal

Enclosure: Form NLRB-4767, Appeal Form

cc: Mr. Lafe Solomon, Acting General Counsel
NLRB, Office of Appeals, Room 8820
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